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8 Attorney for Plaintiff  
9 DAVID ANTHONY TREJO

10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF CALIFORNIA

12 DAVID ANTHONY TREJO,

13 Plaintiff,

14 v.

15 KILOLO KIJAKAZI, Acting  
16 Commissioner of Social Security,

17 Defendant.

Case No. 1:22-cv-00192-EPG

ORDER RE: STIPULATION FOR THE AWARD  
AND PAYMENT OF ATTORNEY FEES AND  
EXPENSES PURSUANT TO THE EQUAL  
ACCESS TO JUSTICE ACT

(ECF No. 19).

18 IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel,  
19 subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount  
20 of \$6,038.21, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under  
21 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of  
22 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d),  
23 1920.

24 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the  
25 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,  
26 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on  
27 whether the fees are subject to any offset allowed under the United States Department of the  
28 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine  
whether they are subject to any offset.

Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that  
Plaintiff does not owe a federal debt, then the government shall cause the payment of fees, expenses

1 and costs to be made directly to Plaintiff's counsel, Francesco Benavides, pursuant to the assignment  
2 executed by Plaintiff.

3 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney  
4 fees and does not constitute an admission of liability on the part of Defendant under the EAJA or  
5 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any and  
6 all claims that Plaintiff and/or Francesco Benavides, including the Law Offices of Francesco  
7 Benavides, may have relating to EAJA attorney fees in connection with this action.

8 This award is without prejudice to the rights of Francesco Benavides to seek Social Security  
9 Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions of the EAJA.

10  
11 Respectfully submitted,

12 Dated: April 6, 2023

Law Offices of Francesco Benavides

13 By: /s/ Francesco Benavides  
14 FRANCESCO P. BENAVIDES  
15 Attorney for Plaintiff

16  
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18 Dated: April 6, 2023

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

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22 By: Andrea Banks\*  
23 ANDREA BANKS  
24 Special Assistant U.S. Attorney  
25 Attorneys for Defendant  
26 (\*Permission to use electronic signature  
27 obtained via email on April 6, 2023).  
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**ORDER**

Based upon the parties' stipulation (ECF No. 19), IT IS ORDERED that fees and expenses in the amount of \$6,038.21 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C. § 1920, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **April 7, 2023**

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE